



#4/Reconsideration
T. McBeth - Brown
10/10/02

Docket No.: F9600.0022/P022
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mitsuaki Hirono, et al.

Confirmation No. 3986

Application No.: 09/195,125

Group Art Unit: 2151

Filed: November 18, 1998

Examiner: L. Zhen

For: PROGRAM CONTROL APPARATUS AND
METHOD AND APPARATUS FOR
MEMORY ALLOCATION ENSURING
EXECUTION OF A PROCESS
EXCLUSIVELY AND ENSURING REAL
TIME OPERATION, WITHOUT
LOCKING COMPUTER SYSTEM

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed July 16, 2002 (Paper No. 2), Applicant hereby provisionally elects claims Group I, claims 1-7, 24, 25, 32, 33 for continued examination, with traverse.

The Examiner has required restriction between:

Group I, claims 1-7, 24, 25, 32, 33, drawn to event notification;

Group II, claims 8-11, 26, and 34, drawn to thread scheduling;

Group III, claims 12, 13, 19-21, 27, 28, 30, 31, 35, 36, 40 and 41, drawn to garbage collection; and

Group IV, claims 14-18, 22, 23, 29, 37-39 and 42, drawn to memory allocation.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in one application (35 U.S.C. §121). M.P.E.P. § 803, however, directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." The directive should be followed by the examiner in this case. In this case, the claims of Group I and Group II are each searchable in related subclasses of class 709. Additionally, the claims of Groups III and Group IV are searchable in related classes 707 and 709. It is respectfully submitted that a search of the classes and subclasses identified in the Restriction Requirement would not pose any serious burden. Nor would the total number of pending claims pose a serious burden. The Examiner is respectfully urged to withdraw the outstanding restriction requirement and examine each of the pending claims.

Dated: October 8, 2002

Respectfully submitted,

By 

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number Filing Date First Named Inventor Group Art Unit Examiner Name	09/195,125
	November 18, 1998
	Mitsuaki Hirono
	2151
	L. Zhen
Total Number of Pages in This Submission	Attorney Docket Number
	F9600.0022/P022

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) Response to Restriction Requirement
Remarks		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP Thomas J. D'Amico
Signature	
Date	October 8, 2002